

## **REMARKS**

Pending in this Application are Claims 1-69.

### **Rejections Under 35 U.S.C. 102(e)**

#### **Claims 1-69**

Claims 1-69 stand rejected under 35 U.S.C. 102(e) as being anticipated by Zellner et al (US 2004/0088345). According to the Examiner, "Zellner et al teach a computer program, apparatus and a method for initiating an emergency Internet Protocol request using an Internet protocol enabled device 20 having Global Positioning Systems capability 59 including the steps of monitoring (p.5, paragraph 0047+) the Internet Protocol enabled device for one or more emergency criteria, and obtaining 59 global positioning data using the Global Positioning Systems capability and sending (38, 68; abstract) the emergency Internet Protocol request whenever the one or more emergency criteria are satisfied.

35 U.S.C. 102(e) states that, "a person shall be entitled to a patent unless the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent..." The Zellner patent application was filed on December 16, 2003 and is a Continuation of application No. 09/586,065 which was filed on June 2, 2000 (the "parent patent or patent application"). The present invention was filed October 21, 2003, and is related to and claims priority from Provisional application No. 60/441,632 filed January 21, 2003. The patent application of the present invention was filed prior to the Zellner patent application. According to 102(e), the only way Zellner can be considered as prior art, is if the Zellner patent application was *fully and properly supported* by the parent patent application No. 09/586,065 which was filed on June 2, 2000. Applicant cannot determine if the Zellner patent application is fully and properly supported by the parent patent application because Applicant cannot locate this application.

Applicant submits, in Appendix A of this amendment, the results of various searches performed on the United States Patent Office Full-Text and Image Database. The first search was performed on all patents with an application number of 586,065 which is the same application number of the parent patent application. The results of the search include Patent No. 4,084,321 entitled MASON'S GUIDE by Charles Huston, Patent No. 4,588,637 entitled ADHESIVE COMPOSITION by Jessie Chiu, and Patent No. 5,272,203 entitled HIGH PERFORMANCE TIRE TREADS AND TIRES by Dwayne Joyner, et. al. Neither of these patents appear to be the parent patent application.

Applicant also submits the results of another search performed on all patent applications with an application number of 586,065 which is the same application number of the parent patent application but no results were returned.

In order for the continuation application to be entitled to the priority date of the parent application, several conditions must be met. One of the conditions is that the continuation application must be filed while the parent application is pending, that is before the prosecution of the parent application in the Patent Office has been terminated, either by abandonment of the application or by issuance of the application into a patent. Another condition is that there must be at least one inventor in common between the parent application and the continuation application. It is important to keep in mind that inventorship is determined based on the invention as claimed, not on what is described in the specification portion of the application. It is therefore also difficult to ascertain whether the inventorship on the parent and the Continuation patent application was proper.

Applicant further submits the results of a search performed on all patents with an application number of 586,066 which is nearly the same application number of the parent patent application. The results of the search include Patent No. 6,539,384 entitled BROWSER ON TEST EQUIPMENT by Samuel Zellner, et. al, filed on June 2, 2000. Although Zellner is the common inventor between this patent and the parent and the filing date of this patent is the same filing date of the parent, Applicant does not believe this is the parent patent because the subject

matter disclosed therein would not provide a full and proper basis for the Continuation patent application.

If the parent patent application has not yet been issued or will ultimately be rejected, Applicant will be unable to assess if a proper reference to the parent was performed. For example, the Continuation patent application, in the cross reference to related applications section (paragraph [0001]), states that such references are "Not Applicable." This statement leads the Applicant to believe that there is a reasonable possibility that the reference to the parent patent application was not proper. Further, if the Continuation patent application did not properly reference the parent patent application, the Continuation may not be able to gain the benefit of the June 2, 2000 filing date.

Based on the aforementioned information, Applicant cannot properly assess the relevance, and potential full and proper citation of the parent patent application since it cannot be located and/or may have been improperly cited. As such, Applicant is not in position to fully assess such prior art in relation to claims 1-69.

#### **Claims 13-23, 36-46, 58-69**

Claims 13-23, 36-46, 58-69 stand rejected under 35 U.S.C. 102(e) as being anticipated by Zellner et al (US 2004/0088345). According to the Examiner, "With regard to claims 13-23, 36-46, 58-69, Zellner et al teach a computer program, system and a method for handling an emergency Internet Protocol request from an Internet Protocol enabled device having Global positioning Systems capability including the steps of receiving (p.3, paragraph 0032) the emergency Internet Protocol request containing global positioning data for the Internet Protocol enabled device, obtaining (18; abstract) local emergency services data based on the global positioning data, dialing 48 a call center station based on the local emergency services data, and passing (abstract) an emergency call from the Internet Protocol enabled device to the call center station.

Based on the information above, Applicant cannot properly assess the relevance, and potential full and proper citation of the parent patent application since it cannot be located and/or

may have been improperly cited. As such, Applicant is not in position to fully assess such prior art in relation to claims 13-23, 36-46, 58-69.

#### **Claims 1-7, 24-30, 47-52**

Claims 1-7, 24-30, 47-52 stand rejected under 35 U.S.C. 102(e) as being anticipated by Monroe (US 2004/0008253). According to the Examiner, “Monroe teaches a computer program, apparatus and a method for initiating an emergency Internet Protocol request using an Internet Protocol enabled device having Global Positioning Systems capability including the steps of monitoring (abstract; p.20, paragraph 0330+) the Internet Protocol enabled device for one or more emergency criteria, and obtaining 32, 38 global positioning data using the Global Positioning Systems capability and sending (78, 80; fig. 7) the emergency Internet Protocol request whenever the one or more emergency criteria are satisfied.

The present invention advantageously claims monitoring an IP enabled device for an emergency criteria. When a user inputs the numbers 911, for example, the emergency criteria has occurred and *via the monitoring of the device*, an emergency IP request is sent. Monroe, on the other hand, discloses *a device that is monitoring* specific and limited systems (door, cockpits, etc.) in a specific and limited area (the area immediately inside or outside an aircraft). Further, Monroe discloses such monitoring occurs in a *predetermined* area. For example, an alarm will be created if a door is improperly opened.

The present invention discloses a system, method, and computer readable medium that allows an emergency call to be placed via an IP device whereby a physical location of the device is matched to an IP address which is not generally associated with a physical location. The present invention can advantageously be used at any time and at any location regardless of the area or the event. For example, a user of the IP device of the present invention can input the numbers 911 (for any reason such as the user saw a suspicious person or the user had a heart attack – not for a specific and predetermined reason) in any area (such as the user’s home or in different state than the user’s residence – not in a predetermined area) and this emergency information is noticed because the IP device is being monitored (as well as information

emanating from the IP device – unlike a situation where the device is actually performing the monitoring).

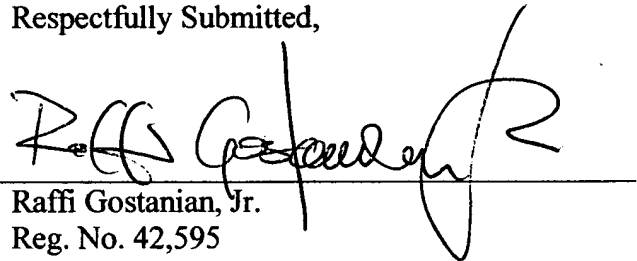
**Conclusion**

The present invention is not taught or suggested by the cited references.

Applicant respectfully submits that Claims 1-69, now pending, are in condition for allowance. A Notice of Allowance is therefore requested.

If the Examiner has any other matters which pertain to this Application, the Examiner is encouraged to contact the undersigned to resolve these matters by Examiner's Amendment where possible.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read "Raffi Gostanian, Jr.", is written over a horizontal line. The signature is stylized with a large, sweeping "R" and "G".

Raffi Gostanian, Jr.  
Reg. No. 42,595

Date: \_\_\_\_\_

8/20/04

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### **Appendix A**

A total of 7 pages is enclosed and included in this paper. The pages relate to searches performed on the USPTO Patent Full-Text and Image Database.